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10/580,997	05/26/2006	Piero Andreas Madar	PU030323	7261

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EXAMINER

VAUGHAN, MICHAEL R

ART UNIT	PAPER NUMBER
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2431

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/580,997	Applicant(s) MADAR ET AL.	
	Examiner MICHAEL R. VAUGHAN	Art Unit 2431	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The instant application having Application No. 10/580,997 is presented for examination by the examiner. Claims 1-20 are pending. Claims 1, 8, and 16-20 have been amended.

Response to Amendment

Claim Rejections - 35 USC § 101

The amendments to the claims are sufficient in overcoming the previous 101 rejection.

Response to Arguments

Applicant's arguments filed 7/23/10 have been fully considered but they are not persuasive. Applicant alleges that the prior art does not teach "storing said password on said digital storage medium in said first program chain with video content for said selected recording title". First of all the claim is broad enough to have more than one interpretation as to what this feature requires. The claim (1) requires a digital storage medium comprising a first program chain. The first program chain is a single program chain according to DVD specifications. The first program chain positively comprises a recording title and a password. The new amendment can be interpreted as the video content is contained within the first program chain or alternatively, the video content is stored on said digital storage medium. The way in which the claim is written, "storing said password on said digital storage medium" followed by two more prepositions

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creates this ambiguity. The video content can be stored on the medium and still considered 'with' the first program chain because the program chain is also stored on the same medium.

Nevertheless, Applicant has argued the interpretation that the first program chain contains the password and video content for said selected recording title. The claim states that the first program chain is in accordance with the DVD specification. In the DVD specification, program chains do not contain video content. Rather, they include linked cells with pointers to the video content. The content itself is stored separately on the disc. Therefore the phrase video content for said selected recording title is interpreted as the address pointing to the video content pertaining to the selected recording title. As such, Sugahara teaches a PGC containing the password, the program title, and the address to said title (Fig. 8).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japan Patent Publication 2003-132624 to Tsurui in view of USP Application Publication 2002/0146238 to Sugahara.

As per claims 1 and 8, Tsurui teaches a method and a digital recording and playback apparatus comprising:

enabling a user to record digital signals onto a digital storage medium in a first program chain for password protection said first program chain being a single program chain according to DVD specifications (0030-0031);

receiving a password from said user for said selected recording title (0033);

storing said password on said digital storage medium (0051); and

requiring said password to be input before playing back said selected recording title (0030). Tsurui teaches the password is stored in a PGC which includes the program for driving the password input menu (0037). Tsurui teaches a separate single PGC for playing back the selected title [collation program utilized to play back the picture/audio data; 0030] which is invoked by PGC which calls the video in its post command (0042). Therefore Tsurui is silent in disclosing storing both the selected recording title, video content for said selected recording title, and the password in a single PGC. First of all, Tsurui adheres strictly to the DVD specification. Sugahara teaches a similar system in which a PGC which calls list information includes both the password, address of the title, and the title (0088 and 0089). In paragraph 0013-14 Sugahara describes the nature of what PGC do, namely they prescribe the order by which content is displayed. Sugahara teaches that list information blocks perform the same function (0018). The list information even has cells which PCG also have. Clearly list information and PGC are equivalent. What is unique in Sugahara is that

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both the selected title (program number), relative address (pointer to the video content), and the password for that number are stored in the same cell of a single list information (PGC) (0089). Sugahara does this to protect the individual content with a password to prevent others from viewing the content. This is the same reasoning for the passwords of Tsurui. Only this method yields a more granular means of control over the content. The claim is obvious because one of ordinary skill in the art can substitute known methods which produce predictable results. One of ordinary skill could have stored the password in the same single PGC as the title without parting from the invention's purpose. A single PGC, with its cells, could store the password, the title, the address to the title, and even the password input menu if said password was for only said title.

As per claim 16, Tsurui teaches a digital storage medium, comprising:
a plurality of data fields [DVD standard] (0027); and
wherein said data fields comprise a first program chain [PCG#10] for storing a selected recording title and a user-assigned password for said selected recording title (0051) and program chain being according to DVD specification (0030).

Tsurui teaches the password is stored in a PGC which includes the program for driving the password input menu (0037). Tsurui teaches a separate single PGC for playing back the selected title [collation program utilized to play back the picture/audio data; 0030] which is invoked by PGC which calls the video in its post command (0042). Therefore Tsurui is silent in disclosing storing both the selected recording title, video content for said selected recording title, and the password in a single PGC. First of all,

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Tsurui adheres strictly to the DVD specification. Sugahara teaches a similar system in which a PGC which calls list information includes both the password, address of the title, and the title (0088 and 0089). In paragraph 0013-14 Sugahara describes the nature of what PGC do, namely they prescribe the order by which content is displayed. Sugahara teaches that list information blocks perform the same function (0018). The list information even has cells which PCG also have. Clearly list information and PGC are equivalent. What is unique in Sugahara is that both the selected title (program number), relative address (pointer to the video content), and the password for that number are stored in the same cell of a single list information (PGC) (0089). Sugahara does this to protect the individual content with a password to prevent others from viewing the content. This is the same reasoning for the passwords of Tsurui. Only this method yields a more granular means of control over the content. The claim is obvious because one of ordinary skill in the art can substitute known methods which produce predictable results. One of ordinary skill could have stored the password in the same single PGC as the title without parting from the invention's purpose. A single PGC, with its cells, could store the password, the title, the address to the title, and even the password input menu if said password was for only said title.

As per claims 2, 9, and 17, Tsurui teaches the digital storage medium is a DVD (0030).

As per claims 3 and 10, Tsurui teaches the step of storing at least one command on said digital storage medium in said first program chain (0071).

As per claims 4 and 11, Tsurui teaches at least one command causes said password menu screen to be displayed if playback of said selected recording title is attempted (0040).

As per claims 5, 7, 12, 15, and 19, the combination of Tsuria and Sugahara essentially moves the password and the selected title into a single PGC. Tsuria had already taught that the menu which drives the password user input menu is in a second PGC (0035-36). It is well known in the art that a first PGC can branch to second PGC and then return to the first PGC once the second PGC concludes. Therefore it is obvious that the first PGC containing the password and title can first link to a second PGC which drives the user password input menu, stored the user input password, and return (post command) to the first PGC for password comparison. The claim is obvious because this is a predictable result from Tsuria and Sugahara as combined in the rejection of claim 1.

As per claim 6, Tsurui teaches wherein said at least one command includes a PRE command according to DVD specification (0041).

As per claim 13, Tsurui teaches at least one command includes a plurality of commands [chain leads to multiple other commands with there respective pre/post commands; 0042-0046].

As per claim 14, Tsurui a plurality of commands comprise PRE commands according to DVD specifications [chain leads to multiple other commands with there respective pre/post commands; 0042-0046].

As per claim 18, Tsurui teaches said first program chain also stores at least one command [PGC#10; 0046 and Figure 5b].

As per claim 20, Tsurui teaches at least one command causes said password menu screen to be displayed if playback of said selected recording title is attempted (0040) and input of said user-assigned password is required before playing back said selected recording title (0051).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL R. VAUGHAN whose telephone number is (571)270-7316. The examiner can normally be reached on Monday - Thursday, 7:30am - 5:00pm, EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on 571-272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. R. V./

Examiner, Art Unit 2431

/William R. Korzuch/

Supervisory Patent Examiner, Art Unit 2431